

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

LEI WALKER CALICA

Case No.

3:19-mj-129-BR

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of Clackamas in the
 _____ District of Oregon, the defendant(s) violated:

Code Section

18 U.S.C. § 2250(a)

Offense Description

On or about, May 22, 2019, in the District of Oregon, defendant LEI WALKER CALICA, was required to register as a sex offender under the Sex Offender Registration and Notification Act pursuant to a federal conviction and knowingly failed to register and update a registration as required under SORNA after he changed his residence.

This criminal complaint is based on these facts:

See Affidavit of Deputy U.S. Marshal Tabeth Aguilar

☒ Continued on the attached sheet.

Complainant's signature

Tabeth Aguilar, Deputy U.S. Marshals

Printed name and title

Sworn in accordance with the requirements of FRCrP 4.1 by telephone on July 19, 2019 at 3:00 pm. *WY*

Date/ 07/19/2019 3:02 pm
 Time:

/s/ Youlee Yim You

Judge's signature

City and state: Portland, Oregon

Honorable Youlee Yim You, U.S. Magistrate Judge

Printed name and title

FILED 19 JUL 19 15:18 USDC-ORP

DISTRICT OF OREGON)
)
COUNTY OF MULTNOMAH) ss: AFFIDAVIT OF TABETH AGUILAR

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Tabeth Aguilar, being duly sworn, do hereby declare and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Deputy United States Marshal with the United States Marshals Service and have been with the United States Marshals Service since May 2010. I am currently involved in sex offender investigations in the District of Oregon. I am a graduate of both the Criminal Investigator Training Program and the United States Marshals Service Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to becoming a Deputy United States Marshal, I was a Probation Officer in Franklin County, Ohio, from 2005 to 2010. I also have a master's degree in Criminal Justice from Xavier University. I have conducted numerous criminal, fugitive, and sex offender investigations.

2. I make this affidavit in support of the criminal complaint and the arrest warrant for Lei Walker CALICA for a violation of Title 18, United States Code, Section 2250(a), Failure to Register as a Sex Offender. As set forth below, there is probable cause to believe, and I do believe, that CALICA is required to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA), is a sex offender by reason of a conviction under federal law, and knowingly failed to register after changing his residence, in violation of 18 U.S.C. § 2250(a).

3. This affidavit is submitted for the limited purpose of establishing probable cause for the criminal complaint and the arrest warrant and does not set forth all known facts related to this matter. The information in this affidavit was ascertained during a criminal investigation that

included, in part, a review of pertinent documents and records, communications with law enforcement personnel, and communications with individuals related to this matter.

APPLICABLE LAW

4. Title 18, United States Code, Section 2250(a) provides:

(a) In General.—Whoever—

(1) is required to register under the Sex Offender Registration and Notification Act;

(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

PROBABLE CAUSE

5. Summary: The United States District Court for the District of Oregon convicted CALICA in 2008 of Sexual Abuse of a Minor. This sex crime conviction involved a 14 to 15-year-old female child, victimized by CALICA on the Confederated Tribes of the Warm Springs Indian Reservation. CALICA has a history of community supervision violations, including federal supervised release violations and tribal probation violations. While living on the Confederated Tribes of the Warm Springs Indian Reservation, CALICA repeatedly failed to register as a sex offender as required. CALICA, a sex offender by reason of a conviction under federal law, changed his residence and failed to register, in violation of the Sex Offender Registration and Notification Act.

6. On July 2, 2008, the United States District Court for the District of Oregon convicted CALICA of Sexual Abuse of a Minor; Title 18, United States Code, Sections 2243, 2246(2)(A), and 1153; court case number 06-284-01-HA. The Indictment charged:

Between January 1, 2005, and September 28, 2005, in the District of Oregon, in Indian Country, on the Confederated Tribes of the Warm Springs Indian Reservation, and within the special maritime and territorial jurisdiction of the United States, [CALICA], defendant herein, an Indian male, did knowingly engage in a sexual act, i.e., vaginal penetration of [Victim], a minor female, with [CALICA's] penis, as defined in Title 18, United States Code, Section 2246(2)(A). At the time this occurred, [Victim] was 14 to 15 years old; [CALICA] was at least 25 years old."

The Court sentenced CALICA to 16 months followed by three years of supervised release. As a special condition of supervision, the Court ordered CALICA to register as a sex offender. Due to this conviction, CALICA is a sex offender for the purposes of SORNA.

7. On April 14, 2009, CALICA registered as a sex offender through Oregon State Police and provided an address of 6389 Salmon Drive in Warm Springs, Oregon. CALICA signed a Sexual Offender Registration Confirmation form which listed his registered address. CALICA also signed a Notice of Obligation to Register as a Sex Offender form which outlined his sex offender requirements.

8. On August 28, 2009, CALICA registered as a sex offender through the Jefferson County Sheriff's Office and provided an address of 6389 Salmon Drive in Warm Springs. CALICA signed a Sex Offender Registration Form which listed his registered address. CALICA also signed a Notice of Obligation to Register as a Sex Offender form which outlined his sex offender requirements. This was CALICA's last sex offender registration in Oregon.

9. On June 15, 2010, the United States District Court for the District of Oregon found that CALICA had violated the conditions of his supervised release. Per the Order Continuing And Modifying Supervised Release Term: "The Court found [CALICA] admitted he

had violated the conditions of supervised release by violating the law (Driving While Suspended), failing to participate in sex offender treatment and the subsequent polygraph, and failing to notify probation officer 30 days in advance of changing residence.” The Court continued CALICA’s term of supervised release and ordered CALICA to perform 300 hours of community service.

10. On June 30, 2011, Oregon State Police notified CALICA via a letter that he was not required to register as a sex offender in Oregon as long as CALICA resided on the Confederated Tribes of the Warm Springs Indian Reservation, a sovereign nation. The letter also stated CALICA may be required to register as a sex offender in Oregon in the future if Oregon law changed or if CALICA moved to Oregon.

11. On October 25, 2011, the United States District Court for the District of Oregon found that CALICA had violated the conditions of his supervised release. Per the Order Revoking Supervised Release Term and Imposing Sentence: “The Court found [CALICA] had violated the conditions of supervised release by failure to participate in sex offender treatment and failure to report to the probation officer as directed.” The Court revoked CALICA’s term of supervised release and committed CALICA to the custody of the Federal Bureau of Prisons for a period of time served, with no reimposition of supervised release.

12. On January 24, 2017, Warm Springs Police Department (WSPD) determined CALICA was out of compliance due to not registering as a sex offender by January 13, 2017, and requested a tribal warrant for CALICA.

13. On January 25, 2017, the following entry was added to the Warm Springs Police Department Sex Offender Worksheet for CALICA: “Discussed this is last warning – Next abscond for FTR will forward to US Marshals for fed charge.”

14. On July 11, 2017, WSPD determined CALICA was out of compliance due to not registering as a sex offender by May 22, 2017, and requested a tribal warrant for CALICA.

15. On September 20, 2017, WSPD determined CALICA was still out of compliance due to not registering as a sex offender, and requested another tribal warrant. CALICA had been previously arrested but was granted a pass from custody from the Warm Springs Correctional Facility. CALICA was required to return to custody on August 31, 2017, but failed to do so.

16. On October 20, 2017, CALICA registered as a sex offender through the Warm Springs Police Department and provided an address of 4306 Tommie Street in Warm Springs. This address is located on the Confederated Tribes of the Warm Springs Indian Reservation. CALICA initialed and signed a Sex Offender Registration Form which listed his registered address and identified CALICA as a Tier 3 Sex Offender. CALICA initialed the following item: "I certify the information above is true and accurate and my next scheduled registration is no later than 1/20/18 and I will report prior to that date." CALICA also initialed the following item: "I understand I am required to register as a convicted sex offender in any state or jurisdiction I live, work or go to school if I move off the Warm Springs Reservation." CALICA also initialed and signed a Warm Springs Sex Offender Acknowledgement Form which outlined his sex offender requirements. CALICA initialed the following item: "All sex offenders required to register with the tribe must immediately appear at the Tribal Sex Offender Registration office in person to update any change in their name, residence (including termination of residence), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, social media information, and any other designation used in internet communications, posting, or telephone conversations. In the event of a change in temporary lodging, the sex offender shall immediately notify the jurisdiction in which the sex offender will be temporarily staying." CALICA also initialed the following items: "A sex offender who is or

should be registered with the tribe shall at a minimum appear in person at the Tribal Sex Offender Registration office for purposes of keeping registration current in accordance with the following time frames: . . . [f]or tier 3 offenders, once every 90 days for the rest of their lives.” A section of the Sex Offender Registration Form, including CALICA’s initials and signature, is copied below.


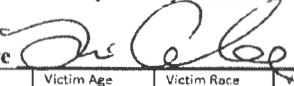
Notes: <i>EC</i> I certify the information above is true and accurate and my next scheduled registration is no later than <u>01/20/18</u> and I will report prior to that date. <i>EC</i> I understand I am required to register as a convicted sex offender in any state or jurisdiction I live, work or go to school if I move off the Warm Springs Reservation.							
Printed Name: <u>Lei Calica</u>		Signature: <i>Lei Calica</i>		Date: <u>10/20/17</u>			
Victim Age 15	Victim Race A/I	Victim Gender Female	Offender Relationship to Friend	Victim Age	Victim Race	Victim Gender	Offender Relationship to

17. On January 22, 2018, WSPD determined CALICA was out of compliance due to not registering as a sex offender by January 20, 2018, and requested a tribal warrant.

18. On January 25, 2018, the Tribal Court for the Confederated Tribes of the Warm Springs Reservation issued a tribal warrant for Failure to Appear for Registration or Abscond.

19. On February 21, 2019, CALICA registered as a sex offender through the Warm Springs Police Department and provided an address of 4306 Tommie Street in Warm Springs. This address is located on the Confederated Tribes of the Warm Springs Indian Reservation. CALICA initialed and signed a Sex Offender Registration Form which listed his registered address and identified CALICA as a Tier 3 Sex Offender. The Sex Offender Registration Form also noted CALICA “[w]ill be enrolled in school in Portland” at Portland Community College. CALICA initialed the following item: “I certify the information above is true and accurate and my next scheduled registration is no later than May 21, 2019 and I will report prior to that date.” CALICA also initialed the following item: “*I understand I am required to register as a convicted sex offender in any state or jurisdiction I live, work or go to school if I move off the Warm Springs Reservation.*” (emphasis added). CALICA also previously initialed and signed a Warm

Springs Sex Offender Acknowledgement Form which outlined his sex offender requirements. Records show this was CALICA's last sex offender registration on the Confederated Tribes of the Warm Springs Indian Reservation. A section of the Sex Offender Registration Form, including CALICA's initials and signature, is copied below.

Notes:  I certify the information above is true and accurate and my next scheduled registration is no later than <u>May 21, 19</u> and I will report prior to that date. I understand I am required to register as a convicted sex offender in any state or jurisdiction I live, work or go to school if I move off the Warm Springs Reservation.							
Printed Name: <u>Lei Calica</u>		Signature: 		Date: <u>2-21-19</u>			
Victim Age <u>15</u>	Victim Race <u>A/I</u>	Victim Gender <u>Female</u>	Offender Relationship to <u>Friend</u>	Victim Age	Victim Race	Victim Gender	Offender Relationship to

20. On May 4, 2019, Warm Springs Police Department contacted CALICA's mother, who is the homeowner of the residence located at 4306 Tommie Street in Warm Springs, the last registered address for CALICA. She told officers that CALICA had moved to the area of Portland, Oregon, a few weeks prior; and that he was working as a rental maintenance technician, repainting apartments and replacing flooring. His mother thought CALICA was or would be attending school soon and that he had a new phone number. She agreed to ask her other son to have CALICA call the officer. As of May 6, 2019, WSPD had not received a call from CALICA. The incident report noted that CALICA had notified WSPD during his sex offender registration on February 21, 2019, that he would be enrolling at Portland Community College; but CALICA had not notified WSPD that he would be working or residing outside of the Confederated Tribes of the Warm Springs Indian Reservation. CALICA also failed to provide any employment information to the WSPD. Officers determined CALICA was out of compliance due to not keeping his registration current, and requested a tribal warrant for a sex offender violation, and a tribal probation warrant for CALICA.

21. On or before May 21, 2019, CALICA failed to register as a sex offender through the Warm Springs Police Department as required if CALICA was still living on the Confederated

Tribes of the Warm Springs Indian Reservation or had another obligation to register on the reservation. Records show CALICA never registered or notified the Warm Springs Police Department that he was moving from the Confederated Tribes of the Warm Springs Indian Reservation to another state or sovereign nation.

22. On June 25, 2019, Calica contacted the West Linn Police Department, who responded to his residence at 6029 West A Street in West Linn, Oregon. CALICA, the reporting party, said an individual (Witness 1 or "W1") was in his apartment and was refusing to leave. CALICA explained that W1 and his dog had been allowed to stay in his apartment for 24 hours so W1 could coordinate a ride to a rehabilitation facility in Pendleton, Oregon. The property owner said W1 had taken over CALICA's apartment by sleeping in CALICA's bedroom and not leaving the apartment for over three weeks. The property owner showed the officer a copy of CALICA's apartment rental agreement. The incident report listed CALICA's home address as 6029 West A Street in West Linn.

23. As of July 1, 2019, CALICA never enrolled as a student at Portland Community College. Portland Community College offers both online and on-campus academic programs.

24. As of July 1, 2019, CALICA never registered as a sex offender in Washington.

25. On July 2, 2019, the U.S. Marshals Service requested a National Crime Information Center Off-Line Search on CALICA. Per this Off-Line Search and a prior Off-Line Search, no active or purged wanted person records were added to the National Crime Information Center for CALICA in 2018 or 2019. Additionally, no active or purged sex offender records were added to the National Sex Offender Registry for CALICA in 2018 or 2019.

26. On July 6, 2019, West Linn Police Department contacted CALICA and another individual (Witness 2 or W2) in the parking lot of the Walmart located at 19133 Willamette Drive in West Linn. This contact occurred at approximately 2:55 a.m. at night while the

Walmart was closed. Both CALICA and W2 were wearing backpacks. W2 said he was on probation for burglary, and that they were going to a nearby convenience store. After ending the police contact, the officers determined that CALICA was a non-compliant sex offender, and found him at the nearby convenience store. CALICA then said he had been contacted by another officer on July 3, 2019, during an unrelated incident and had discussed his sex offender compliance with this other officer. CALICA claimed he had moved to West Linn recently and that paperwork was being transferred. CALICA said he works at the apartment complex where he lives and attends Liberty College. The incident report listed CALICA's home address as 6029 West A Street in West Linn.

27. As of July 16, 2019, Oregon State Police has no record of CALICA contacting Oregon State Police in 2019 regarding his sex offender status or registration requirement.

28. As of July 16, 2019, CALICA last registered as a sex offender in Oregon on August 28, 2009.

29. On July 17, 2019, the U.S. Marshals queried the National Crime Information Center for wants and warrants for CALICA. CALICA had no active wants or warrants.

30. On July 17, 2019, the U.S. Marshals Service queried the National Sex Offender Registry for CALICA. CALICA did not have a sex offender file.

31. As of July 17, 2019, the National Sex Offender Public Website lists CALICA as an absconder from the Confederated Tribes of the Warm Springs Indian Reservation with the following details: "FAIL TO UPDATE WORK AND HOME ADDRESS."

32. Under SORNA, CALICA has a current requirement to register as a sex offender. Under Confederated Tribes of the Warm Springs Indian Reservation tribal law, CALICA has a lifetime requirement to register as a sex offender on the Confederated Tribes of the Warm

Springs Indian Reservation. Under Oregon state law, CALICA has a lifetime requirement to register as a sex offender in Oregon.

33. Based on the above information, I believe CALICA is required to register as a sex offender under SORNA, is a sex offender by reason of a conviction under federal law, changed his residence, and knowingly failed to register. I also believe CALICA is required to register as a sex offender under SORNA; resided in, or left, Indian Country; and knowingly failed to register as required. As such, I believe there is probable cause that CALICA failed to register as a sex offender as required under 18 U.S.C. § 2250(a), and I respectfully request this Court issue the requested criminal complaint and arrest warrant.

34. This affidavit, and the requested criminal complaint and arrest warrant, were reviewed by Assistant United States Attorney (AUSA) Natalie Wight prior to being presented to the Court. AUSA Wight informed me that, in her opinion, the affidavit sets forth sufficient facts to establish probable case for the criminal complaint and the arrest warrant.

TABETH AGUILAR, DUSM
United States Marshals Service

Subscribed and sworn to me telephonically pursuant to Rule 4.1 this 19th day of July 2019, at
3:00 ~~am~~ / p.m. in the District of Oregon. *YY*

/s/ Youlee Yim You
HONORABLE YOULEE YIM YOU
United States Magistrate Judge